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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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3692	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/764,068	EDER, JEFF SCOTT
	Examiner	Art Unit	
	JENNIFER LIVERSEDGE	3692	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>27 July 2008</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>36-65 and 67-74</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>36-65 and 67-74</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date <u>11/23/2007</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's amendment and request for

reconsideration of application 09/764,068, by means of an amendment after non-final

final filed November 23, 2007; an Appeal Brief filed January 25, 2008; and a

Supplemental Appeal Brief filed July 27, 2008.

In view of the amendment after non-final, Appeal Brief, and Supplemental Appeal

Brief filed as noted above, PROSECUTION IS HEREBY REOPENED. New grounds of

rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply
under 37 CFR 1.113 (if this Office action is final); or,
(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed
by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and
appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth
in 37 CFR 41.20 have been increased since they were previously paid, then appellant
must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below:

/Kambiz Abdi/
Supervisory Patent Examiner, Art Unit 3692

This application has been transferred and is now being handled by examiner

Jennifer Liversedge, the Examiner as has signed the present Office Action below.

Further inquiry and responses may be directed accordingly.

The claims as presented in the amendment after non-final will be examined for this Office Action.

The amendment contains previously presented claims: 37-39, 41-45, 47-54, 56-65, 67-69, 71 and 73-74.

The amendment contains amended claims: 36, 40, 46, 55, 70 and 72.

Claims 1-35 and 66 have been canceled.

Priority

Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. The present application is a C.I.P. of both application 08/999,245 filed on December 10, 1997 and application 09/358,969 filed on July 22, 1999 (now abandoned). It is noted that independent claims 64 and 70 are drawn to the use of xml metadata standards and schema which was not disclosed in the December 10, 1997 filing and therefore the limitations are not subject to the December 10, 1997 date. Additionally, dependent claims 44, 51, 56, 57 do not qualify for the December 10, 1997 date as they include limitations related to xml schema. Claims 49 and 52 are drawn to real option discount rates which was not in the December 10, 1997 disclosure and therefore the December 10, 1997 date does not apply to claims 49 and 52.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on November 23, 2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

It is noted that in the amendment and remarks, a request was made for initialed copies of IDS's be provided to applicant. Examiner believes that each IDS previously submitted has been considered by a former examiner as indicated in the USPTO system and the most recently submitted IDS is initialed and enclosed with the present Office Action. Accordingly, Examiner believes all IDS's have been considered.

Claim Objections

Claim 38 is objected to because of the following informalities: claim contains a grammatical oversight, citing "…changes that will optimize *of* one or more…". It is believed it is intended to recite "…changes that will optimize one or more…".

Claim 49 is objected to because of the following informalities: claim contains a grammatical oversight, citing "…determining a net relative contribution*s*…". It is believed it is intended to recite "…determining a net relative contribution…".

Claim 71 is objected to because of the following informalities: claim 71 claims dependence from claim 71. For purposes of examination, it will be assumed that claim 71 is meant to depend from claim 70.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 36 recites the limitation "said net relative contributions" in line 12. There is insufficient antecedent basis for this limitation in the claim. It is believed that the language is meant to refer to "said net tangible, relative contribution" from line 9.

Claims 36, 55 and 72 recite the limitation "the portion" in line 3 for claims 36 and 55 and line 4 for claim 72. There is insufficient antecedent basis for this limitation in the claim. It is believed that the language is meant to refer to "a portion".

Claim 49 recites the limitation "the difference", "the company cost", "the value", "the value difference", and "the two discount rates". There is insufficient antecedent basis for this limitation in the claim.

Claim 52 recites the limitation "the previously identified indicators" and "the prior processing". There is insufficient antecedent basis for this limitation in the claim.

Claim 57 recites the limitation "said data" in line 4. There is insufficient antecedent basis for this limitation in the claim. It would be more clear to refer to "said event data" as set forth in line 2 to maintain consistency across the data label.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 36-45, 55-65, 67-71 are rejected under 35 U.S.C. 101 because claims 36, 55, 64 and 70 are directed to methods claims, however, the steps as recited do not result in a concrete, tangible and useful output. The steps, rather, speak to data manipulation and integration without a real-world output.

Claims 72-74 are rejected under 35 U.S.C. 101 because claim 72 is not tied to another statutory class. In order for a method to be considered a "process" under §101, a claimed process must either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). If neither of these requirements is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 64-65 are rejected under 35 U.S.C. 102(e) as being anticipated by US

Patent 7,249,328 B1 to Davis (further referred to as Davis).

Regarding claim 64, Davis discloses a composite application method for data

processing, comprising:

Using two or more independent components of application software to produce

one or more useful results (column 8, lines 23-51; column 9, lines 1-11; column 12, lines

11-56; column 36, lines 59-67; column 37, lines 5-8; column 38, lines 48-56) by

processing data where said data has been aggregated from two or more systems

(column 8, lines 29-34; column 10, lines 25-26; column 11, lines 24-27; column 12, lines

26-29 and lines 53-56; column 28, lines 31-34; column 38, lines 50-53) in accordance

with a common model or schema defined by an xml metadata standard (column 8, lines

40-46 and lines 52-57; column 10, lines 31-33 and lines 52-55; column 11, lines 24-66;

column 12, lines 45-56; column 13, lines 34-37; column 15, lines 60-67; column 18,

lines 48-54; column 26, lines 65-67; column 27, lines 1-5; column 28, lines 31-34;

column 30, lines 42-50; column 30, lines 51-60; column 33, lines 15-47; column 37,

lines 5-8; column 38, lines 48-56).

Regarding claim 65, Davis discloses where the independent components of

application software can be flexibly combined as required to support the development of

one or more useful results (column 8, lines 23-51; column 9, lines 1-11; column 12, lines

11-56; column 36, lines 59-67; column 37, lines 5-8; column 38, lines 48-56).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating
    obviousness or nonobviousness.

Claims 36-39, 41-43 and 45 is rejected under 35 U.S.C. 103(a) as being

unpatentable over "How to sort out the premium drivers of post-deal value" by Daniel W.

Bielinski (further referred to as Bielinski), and further in view of "The 1986-88 stock

market: investor sentiment or fundamentals?" by Baur, Quintero and Stevens (further

referred to as Baur).

Regarding claim 36, Bielinski discloses a computer implemented enterprise

method (pages 1-7), comprising:

Preparing transaction data related to a commercial enterprise for use in

processing, analyzing said data to identify the portion of data relevant to market value,

and developing a model of an enterprise market value by an element and category of

value by completing a series of multivariate analyses that utilizes said identified data

(pages 1-7),

Where the categories of value are selected from the group consisting of current

operation, real option and combinations thereof (page 1, section 2; page 2, section 7;

page 3, sections 1-6 and 9; page 4, section 3; page 6, sections 4-5),

Where the model of enterprise market value identifies a tangible contribution of

each element of value to each category of value (page 1, section 1; page 2, sections 1

and 7; page 3, sections 1-9; page 4, sections 1-7; page 5, sections 1-7; page 6,

sections 1-6).

Bielinski does not disclose where the elements of value are selected from the

group consisting of alliances, brands, channels, customers, customer relationships,

employees, intellectual property, partnerships, processes, vendors and vendor relationships and combinations thereof. However, Bielinksi does disclose where the elements of value are selected from alliances, employees, partnerships, processes, vendors and vendor relationships (page 3, sections 1-5; page 4, sections 4-6). It is noted that the claim is set forth as a Markush claim and as such each of the items within the set are admittedly within a group known in the art. Therefore it would be obvious to provide further elements of value as are known to be a part of a group in the art.

Bielinski does not disclose where a category of value is market sentiment and calculating a share price for enterprise equity. However, Baur discloses where a category of value is market sentiment and calculating a share price for enterprise equity (abstract; page 2, "Stock prices and investor sentiment"; page 3, formula 3). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the valuation modeling techniques as disclosed by Bielinski to adapt the use of sentiment as a value driver and to calculate stock price using sentiment as disclosed by Baur. The motivation would be that stock price is calculated based on company value and a company value is derived from real and intangible assets of value and for most accurate pricing, one would want to incorporate all assets, real and intangible.

Regarding claim 37, Bielinski does not disclose completing activities from the group consisting of the full list of activities as cited. However, Bieliski discloses completing activities from the group such as: determining an element contribution, quantifying an element impact, valuing an element, completing an analysis of enterprise

financial performance, optimizing one or more aspects of enterprise financial

performance, simulating an enterprise financial performance, optimizing a future

enterprise market value, quantifying a future enterprise market value, creating a

management report valuing a real option, and combinations thereof (pages 1-5). It is

noted that the claim is set forth as a Markush claim and as such each of the items within

the set are admittedly within a group known in the art. Therefore it would be obvious to

provide further completion of activities as are known to be a part of a group in the art.

     Regarding claim 38, Bielinski discloses identifying one or more value driver

changes that will optimize one or more aspects of financial performance (pages 1-7).

Bielinski does not disclose where the aspects of financial performance are selected

from the group consisting of revenue, expense, capital change, cash flow, real option

value, future market value, market sentiment value, market value and combinations

thereof. However, Bielinski discloses where aspects of financial performance are

selected from the group such as: revenue, expense, cash flow, real option value, future

market value, market value and combinations thereof (pages 1-7). It is noted that the

claim is set forth as a Markush claim and as such each of the items within the set are

admittedly within a group known in the art. Therefore it would be obvious to provide

further aspects of financial performance as are known to be a part of a group in the art.

     Regarding claim 39, Bielinski does not disclose where a series of multivariate

analyses are selected from the group consisting of the full list as cited in the claim.

However, Bielinski discloses where a series of multivariate analyses are selected from the group such as identifying one or more previously unknown relationships between one or more value drivers, identifying one or more previously unknown relationships between one or more elements of value, quantifying one or more inter-relationships between value drivers, quantifying one or more impacts between elements of value, determining a net impact for each category of value, calculating one or more real option values, and combinations thereof (pages 1-7). It is noted that the claim is set forth as a Markush claim and as such each of the items within the set are admittedly within a group known in the art. Therefore it would be obvious to provide further multivariate analyses as are known to be a part of a group in the art.

Regarding claim 41, Bielinksi does not disclose wherein enterprise transaction data are obtained from systems selected from the group consisting of the full list as cited in the claim. However, Bielinski discloses wherein enterprise transaction data are obtained from systems selected from the group such as advanced financial systems, basic financial systems, process management systems, supply chain management systems, vendor management systems, operation management systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, inventory systems, and combinations thereof (pages 1-7). It is noted that the claim is set forth as a Markush claim and as such each of the items within the set are admittedly within a group known in the art. Therefore it would be

obvious to provide further enterprise transaction data as are known to be a part of a

group in the art.

Regarding claim 42, Bielinski discloses using one or more composite applications

to complete the processing (page 1, section 1; page 2, section 1; page 3, sections 8-9;

page 7, section 6).

Regarding claim 43, Bielinski does not disclose a combination of component and

category of value models selected from the group consisting of up to three predictive

component value models, a real option discount rate model, a real option valuation

model, a market sentiment model by element of value and combinations thereof.

Bielisnki discloses a combination of component and category of value models selected

from the group consisting of up to three predictive component value models, a real

option valuation model, and combinations thereof (pages 1-7). It is noted that the claim

is set forth as a Markush claim and as such each of the items within the set are

admittedly within a group known in the art. Therefore it would be obvious to provide

further models as are known to be a part of a group in the art.

Regarding claim 45, Bielinski discloses identifying one or more value driver

changes that will optimize a future market value portion of said enterprise market value

(pages 1-7).

Claims 46-48, 53-54 and 72-74 are rejected under 35 U.S.C. 103(a) as being

unpatentable over "How to sort out the premium drivers of post-deal value" by Daniel W.

Bielinski (further referred to as Bielinski), in view of "The 1986-88 stock market: investor

sentiment or fundamentals?" by Baur, Quintero and Stevens (further referred to as

Baur), and further in view of US Patent 4,989,141 to Lyons et al. (further referred to as

Lyons).

Regarding claim 46, Bielinski discloses a program storage device readable by a

computer, tangibly embodying a program of instructions executable by a computer to

perform an element method (pages 1-7), comprising:

analyzing data using a predictive model to identify one or more indicators of

value for each element of value by a category of value (pages 1-7), where the

categories of value are current operation and real option and combinations thereof

(page 1, section 2; page 2, section 7; page 3, sections 1-6 and 9; page 4, section 3;

page 6, sections 4-5),

determining a net tangible, relative contribution of each element of value to each

category of value by analyzing an enterprise financial performance model comprised of

said indicators by category and element of value (page 1, section 1; page 2, sections 1

and 7; page 3, sections 1-9; page 4, sections 1-7; page 5, sections 1-7; page 6,

sections 1-6),

calculating a value for each element of value using said net relative contributions (page 1, section 1; page 2, sections 1 and 7; page 3, sections 1-9; page 4, sections 1-7; page 5, sections 1-7; page 6, sections 1-6), and

reporting the value of the elements using an electronic display or a paper document (page 1, section 1; page 3, section 10; page 4, sections 4 and 6-7).

Bielinski does not disclose where a category of value is market sentiment. However, Baur discloses where a category of value is market sentiment (abstract; page 2, "Stock prices and investor sentiment"; page 3, formula 3). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the valuation modeling techniques as disclosed by Bielinski to adapt the use of sentiment as a value driver as disclosed by Baur. The motivation would be that stock price is calculated based on company value and a company value is derived from real and intangible assets of value and for most accurate pricing, one would want to incorporate all assets, real and intangible.

Neither Bielinski nor Baur disclose integrating enterprise transaction data in accordance with a common model or scheme. However, Lyons discloses integrating enterprise transaction data in accordance with a common model or scheme (column 2, lines 16-25 and lines 51-57; column 2, line 67-column 3, line 10). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the data analysis methods of Bielinksi and Baur to adapt the integrating of enterprise data in a common model of schema as disclosed by Lyons. The motivation would be that to be sure that the analytical model were incorporating the most recent and relevant data from all

applicable sources, and to create an efficient means by which to share that data,

enabling a common scheme for data integration would be required, as disclosed by

Lyons.

Regarding claim 47, Bielinski does not disclose where the elements of value are

selected from the group consisting of alliances, brands, channels, customers, customer

relationships, employees, intellectual property, partnerships, processes, production

equipment, vendors and vendor relationships and combinations thereof. However,

Bielinksi does disclose where the elements of value are selected from alliances,

employees, partnerships, processes, production equipment, vendors and vendor

relationships (page 3, sections 1-5; page 4, sections 4-6). It is noted that the claim is

set forth as a Markush claim and as such each of the items within the set are admittedly

within a group known in the art. Therefore it would be obvious to provide further

elements of value as are known to be a part of a group in the art.

Regarding claim 48, Bielinski discloses where a net relative contribution for each

of one or more elements of value to each of one or more categories of value further

comprises a direct element contribution to a category of value net of any element

impacts on other elements of value (page 1, section 2; page 2, section 1; page 3,

sections 7-9; page 4, sections 1-4, 7; page 5, section 1; page 6, sections 5-6).

Regarding claim 53, Bielinski discloses where the calculated value for each element of value further comprises a value for a point in time within a sequential series of points in time (page 1, section 1; page 2, section 1; page 6, section 5).

Regarding claim 54, Bielinksi discloses wherein the net relative contribution for each element of value to each category of value further comprises a net causal contribution (page 1, section 2; page 2, section 1; page 3, sections 7-9; page 4, sections 1-4, 7; page 5, section 1; page 6, sections 5-6).

Regarding claim 72, Bielinski discloses a computer implemented market value accounting method (pages 1-7), comprising:

Preparing a plurality of enterprise related data for use in processing, analyzing said data to identify the portion of data relevant to market value, analyzing the identified data with a series of models as required to identify a tangible contribution of each of one or more elements of value to each of one or more categories of value (pages 1-7),

Where the categories of value further comprise a current operation category of value and a real option category and combinations thereof (page 1, section 2; page 2, section 7; page 3, sections 1-6 and 9; page 4, section 3; page 6, sections 4-5),

Using the tangible contribution for each element of value to identify a market value for each element of value (page 1, section 1; page 2, sections 1 and 7; page 3, sections 1-9; page 4, sections 1-7; page 5, sections 1-7; page 6, sections 1-6), and

Reporting the value of each element of value (page 1, section 1; page 3, section 10; page 4, sections 4 and 6-7).

Bielinski does not disclose where the elements of value are customers and selected from the group consisting of alliances, brands, channels, employees, intellectual property, partnerships, processes, vendors and vendor relationships and combinations thereof. However, Bielinksi does disclose where the elements of value are selected from alliances, employees, partnerships, processes, vendors and vendor relationships (page 3, sections 1-5; page 4, sections 4-6). It is noted that the claim is set forth as a Markush claim and as such each of the items within the set are admittedly within a group known in the art. Therefore it would be obvious to provide further elements of value as are known to be a part of a group in the art.

Bielinski does not disclose where a category of value is market sentiment. However, Baur discloses where a category of value is market sentiment (abstract; page 2, "Stock prices and investor sentiment"; page 3, formula 3). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the valuation modeling techniques as disclosed by Bielinski to adapt the use of sentiment as a value driver and to calculate stock price using sentiment as disclosed by Baur. The motivation would be that stock price is calculated based on company value and a company value is derived from real and intangible assets of value and for most accurate pricing, one would want to incorporate all assets, real and intangible.

Neither Bielinski nor Baur disclose reporting in a balance sheet format and where the reported value is a value for a specific point in time within a sequential series of

points in time. However, Lyons discloses reporting in a balance sheet format (column 2,

lines 16-34; column 3, lines 1-10; column 10, lines 1-9; column 16, lines 61-68; column

24, line 50 – column 25, line 12 where it is disclosed that users input data from various

reports such as balance sheets and income statements, the data can be manipulated

and analyzed across departments in an organization, for example, and then a report

can be generated representing data as requested by a user and wherein it would be

obvious that if data is submitted in the form of a balance sheet or income statement,

that data could then be output in the same format) and where the reported value is a

value for a specific point in time within a sequential series of points in time (column 2,

lines 61-66; column 8, lines 56-61). It would be obvious to one of ordinary skill in the art

at the time of the invention to modify the data analysis of key drivers of market value as

disclosed by Bielinski and Baur to adapt the use of providing reports in balance sheet

format and providing values for a specific point in time across a sequential period of

time as disclosed by Lyons. The motivation would be that a balance statement provides

key data in understanding market value of an enterprise, and further value is analyzed

and understood at certain points in time relative to a continuum of time.

      Regarding claim 73, neither Bielinski nor Baur disclose including a value for a

plurality of financial assets in a report with a balance sheet format. However, Lyons

discloses including a value for a plurality of financial assets in a report with a balance

sheet format (column 2, lines 16-34; column 3, lines 1-10; column 10, lines 1-9; column

16, lines 61-68; column 24, line 50 – column 25, line 12) where it is disclosed that users

input data from various reports such as balance sheets and income statements, the

data can be manipulated and analyzed across departments in an organization, for

example, and then a report can be generated representing data as requested by a user

and wherein it would be obvious that if data is submitted in the form of a balance sheet

or income statement, that data could then be output in the same format. Given the

combination of Bielinski, Baur and Lyons as cited in claim 72 with regards to presenting

data in a balance sheet format, it is further obvious to report multiple values in a balance

sheet format as balance sheets contain various types of data.

        Regarding claim 74, neither Bielinski nor Baur specifically disclose tracking a

change in value of each of one or more elements of value over time, and including the

calculated changes in value of each element of value in an income statement or a cash

flow statement. However, Lyons discloses tracking a change in value of each of one or

more elements of value over time (column 2, lines 58-66; column 8, lines 56-61), and

including the calculated changes in value of each element of value in an income

statement or a cash flow statement (column 2, lines 16-34; column 3, lines 1-10; column

10, lines 1-9; column 16, lines 61-68; column 24, line 50 – column 25, line 12) where it

is disclosed that users input data from various reports such as balance sheets and

income statements, the data can be manipulated and analyzed across departments in

an organization, for example, and then a report can be generated representing data as

requested by a user and wherein it would be obvious that if data is submitted in the form

of a balance sheet or income statement, that data could then be output in the same

format. Given the combination of Bielinski, Baur and Lyons as cited in claim 72 with

regards to presenting data in a balance sheet format, it is further obvious to report

values over a period of time in traditional financial forms such as an income statement

or cash flow statement format.

Claims 55 and 58-60 are rejected under 35 U.S.C. 103(a) as being unpatentable

over "How to sort out the premium drivers of post-deal value" by Daniel W. Bielinski

(further referred to as Bielinski), and further in view of US Patent 4,989,141 to Lyons et

al. (further referred to as Lyons).

Regarding claim 55, Bielinski discloses a computer implemented future market

value method (pages 1-7), comprising:

analyzing data to identify the portion of data relevant to market value, and

developing a causal model of net element of value contribution to enterprise market

value by category of value using the identified portion of data, and identifying one or

more element of value related changes that will optimize a future market value portion

of enterprise market value by analyzing said model (pages 1-7).

Bielinski does not disclose where the elements of value are selected from the

group consisting of alliances, brands, channels, customers, customer relationships,

employees, intellectual property, partnerships, processes, vendors and vendor

relationships and combinations thereof. However, Bielinksi does disclose where the

elements of value are selected from alliances, employees, partnerships, processes,

vendors and vendor relationships (page 3, sections 1-5; page 4, sections 4-6). It is

noted that the claim is set forth as a Markush claim and as such each of the items within

the set are admittedly within a group known in the art. Therefore it would be obvious to

provide further elements of value as are known to be a part of a group in the art.

Bielinski does not disclose integrating enterprise transaction data in accordance

with a common model or scheme. However, Lyons discloses integrating enterprise

transaction data in accordance with a common model or scheme (column 2, lines 16-25

and lines 51-57; column 2, line 67-column 3, line 10). It would be obvious to one of

ordinary skill in the art at the time of the invention to modify the data analysis methods

of Bielinksi to adapt the integrating of enterprise data in a common model of schema as

disclosed by Lyons. The motivation would be that to be sure that the analytical model

were incorporating the most recent and relevant data from all applicable sources, and to

create an efficient means by which to share that data, enabling a common scheme for

data integration would be required, as disclosed by Lyons.

Regarding claim 58, Bielinski discloses where a net relative contribution for each

of one or more elements of value to each of one or more categories of value further

comprises a direct element contribution to a category of value net of any element

impacts on other elements of value within said category of value (page 1, section 2;

page 2, section 1; page 3, sections 7-9; page 4, sections 1-4, 7; page 5, section 1; page

6, sections 5-6).

Regarding claim 59, Bielinski does not disclose a plurality of models selected from the group consisting of predictive component of value models, predictive market value models, relative element strength models, real option discount rate models, real option valuation models, market sentiment models and combinations thereof. Bielisnki discloses a plurality of models selected from the group consisting of predictive component of value models, predictive market value models, relative element strength models, real option valuation models, and combinations thereof (pages 1-7). It is noted that the claim is set forth as a Markush claim and as such each of the items within the set are admittedly within a group known in the art. Therefore it would be obvious to provide further models as are known to be a part of a group in the art.

Regarding claim 60, Bielinski discloses where a net contribution for each of one or more elements of value further comprises a direct contribution to a value of a category of value net of any impact on other elements of value (page 1, section 2; page 2, section 1; page 3, sections 7-9; page 4, sections 1-4, 7; page 5, section 1; page 6, sections 5-6).

Claims 61-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bielinski and Lyons as applied to claim 55 above, and further in view of Baur.

Regarding claim 61, Bielinski discloses where one or more categories of value are selected from the group consisting of current operation, real option and

combinations thereof (page 1, section 2; page 2, section 7; page 3, sections 1-6 and 9; page 4, section 3; page 6, sections 4-5). Neither Bielinski nor Lyons disclose where a category of value is market sentiment. However, Baur discloses where a category of value is market sentiment (abstract; page 2, "Stock prices and investor sentiment"; page 3, formula 3). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the valuation modeling techniques as disclosed by Bielinski and Lyons to adapt the use of sentiment as a value driver as disclosed by Baur. The motivation would be that stock price is calculated based on company value and a company value is derived from real and intangible assets of value and for most accurate pricing, one would want to incorporate all assets, real and intangible.

Regarding claim 62, Bielinski discloses where the future market value portion of enterprise market value comprises a summation of values selected from current operation value, real option value and combinations thereof (page 1, section 2; page 2, section 7; page 3, sections 1-6 and 9; page 4, section 3; page 6, sections 4-5). Neither Bielinski nor Lyons disclose market sentiment value. However, Baur discloses market sentiment in valuation (abstract; page 2, "Stock prices and investor sentiment"; page 3, formula 3). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the valuation modeling techniques as disclosed by Bielinski and Lyons to adapt the use of sentiment as a value driver as disclosed by Baur. The motivation would be that stock price is calculated based on company value and a

company value is derived from real and intangible assets of value and for most accurate

pricing, one would want to incorporate all assets, real and intangible.

Regarding claim 63, Bielinski does not disclose where the value driver changes

that will optimize future market value are identified by algorithms selected from the

group consisting of monte carlo algorithms, genetic algorithms, multi criteria

optimization algorithms and combinations thereof. However, Bielinski discloses where

the value driver changes that will optimize future market value are identified by multi

criteria optimization algorithms (page 2, section 1; page 3, sections 7-9; page 4, section

7; page 5, section 1; page 6, sections 5-6). It is noted that the claim is set forth as a

Markush claim and as such each of the items within the set are admittedly within a

group known in the art. Therefore it would be obvious to provide further algorithms as

are known to be a part of a group in the art.

Claim 67-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Davis.

Regarding claim 67, Davis does not disclose where the independent components

of application software complete processing selected from the group consisting of the

full list as stated in the claim limitation. However, Davis discloses where the

independent components of application software complete processing selected from the

group such as: analysis, attribute derivation, classification, clustering, data acquisition,

data conversion, data storage, data transformation, keyword match identification, and

combinations there of (column 4, lines 10-45; column 8, lines 24-46; column 8, line 65 –

column 9, line 5; column 9, lines 59-67; column 10, lines 19-53; column 11, lines 24-64;

column 12, lines 15-56; column 13, lines 20-48; column 15, lines 60-67; column 16,

lines 11-15; column 17, lines 7-12 and lines 38-67; column 18, lines 1-67; column 20,

lines 32-38; column 21, lines 26-59; column 23, lines 64-67; column 26, lines 47-67;

column 27, lines 1-21; column 28, lines 31-39; column 30, lines 51-58; column 31, lines

33-50; column 33, lines 28-47; column 36, lines 59-67; column 37, lines 5-8; column 38,

lines 48-65; column 45, lines 1-14; column 49, lines 19-48; column 50, lines 38-49). It is

noted that the claim is set forth as a Markush claim and as such each of the items within

the set are admittedly within a group known in the art. Therefore it would be obvious to

provide further processes as are known to be a part of a group in the art.

       Regarding claim 68, Davis does not disclose where the useful results are

selected from the group consisting of the full list as stated in the claim limitation.

However, Davis discloses where the useful results are selected from the group such as:

enterprise financial performance analysis, management reporting, share price valuation,

sub-element clustering and combinations thereof (column 8, lines 36-51; column 9, lines

59-67; column 10, lines 31-53; column 11, lines 52-62; column 12, lines 26-56; column

45, lines 1-14 and lines 40-50; column 49, lines 20-42). It is noted that the claim is set

forth as a Markush claim and as such each of the items within the set are admittedly

within a group known in the art. Therefore it would be obvious to provide further useful

results as are known to be a part of a group in the art.

Regarding claim 69, Davis does not disclose where enterprise management

systems are selected from the group consisting of the full list as stated in the claim

limitation. However, Davis discloses where the enterprise management systems are

selected from the group such as: accounts receivable systems, accounts payable

systems, advanced financial systems, basic financial systems, process management

systems, operation management systems, sales management systems, capital asset

systems, inventory systems, the Internet, external databases and combinations thereof

(column 8, lines 24-51; column 9, lines 59-67; column 10, lines 31-53; column 11, lines

52-62; column 12, lines 26-56; column 45, lines 1-14 and lines 40-50; column 49, lines

20-42). It is noted that the claim is set forth as a Markush claim and as such each of the

items within the set are admittedly within a group known in the art. Therefore it would

be obvious to provide further systems as are known to be a part of a group in the art.

Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis,

and further in view of US Patent 6,549,922 B1 to Srivastava et al. (further referred to as

Srivastava).

Regarding claim 70, Davis discloses a computer implemented data processing method, comprising:

Integrating, converting and storing enterprise related transaction data (column 8, lines 29-34; column 10, lines 25-26; column 11, lines 24-27; column 12, lines 26-29 and lines 53-56; column 28, lines 31-34; column 38, lines 50-53) in accordance with a common xml schema (column 8, lines 40-46 and lines 52-57; column 10, lines 31-33 and lines 52-55; column 11, lines 24-66; column 12, lines 45-56; column 13, lines 34-37; column 15, lines 60-67; column 18, lines 48-54; column 26, lines 65-67; column 27, lines 1-5; column 28, lines 31-34; column 30, lines 42-50; column 30, lines 51-60; column 33, lines 15-47; column 37, lines 5-8; column 38, lines 48-56) to support organization processing (column 8, lines 29-34 and lines 40-51; column 9, lines 1-6; column 10, lines 19-30; column 12, lines 15-17; column 13, lines 19-23; column 25, lines 53-60; column 26, lines 47-67; column 28, lines 31-40; column 36, lines 59-67; column 37, lines 5-12; column 38, lines 48-65)

Where metadata mapping is guided by a metadata mapping table (column 10, lines 19-53; column 11, lines 24-64; column 12, lines 45-56; column 15, lines 60-67; column 18, lines 2-14; column 20, lines 32-38; column 21, lines 26-61; column 30, lines 51-58; column 33, lines 28-47; column 49, lines 19-47; column 50, lines 38-45);

Where some data are pre-specified for integration and conversion (column 10, lines 25-30; column 12, lines 26-56; column 15, lines 60-67; column 21, lines 46-59),

Where the common schema further comprises a network schema that is defined by an xml metadata (column 8, lines 40-46 and lines 52-57; column 10, lines 31-33 and

lines 52-55; column 11, lines 24-66; column 12, lines 45-56; column 13, lines 34-37;

column 15, lines 60-67; column 18, lines 48-54; column 26, lines 65-67; column 27,

lines 1-5; column 28, lines 31-34; column 30, lines 42-50; column 30, lines 51-60;

column 33, lines 15-47; column 37, lines 5-8; column 38, lines 48-56) to support

organization processing (column 8, lines 29-34 and lines 40-51; column 9, lines 1-6;

column 10, lines 19-30; column 12, lines 15-17; column 13, lines 19-23; column 25,

lines 53-60; column 26, lines 47-67; column 28, lines 31-40; column 36, lines 59-67;

column 37, lines 5-12; column 38, lines 48-65),

Where said integration is completed by one or more independent software

components (column 8, lines 23-51; column 9, lines 1-11; column 12, lines 11-56;

column 36, lines 59-67; column 37, lines 5-8; column 38, lines 48-56), and

Where the integrated data is stored in one or more tables in an application

database (Figures 2-3 and 11; column 14, lines 4-49; column 15, lines 23-67; column

16, lines 115).

Davis does not disclose where a metadata and conversion rules window is used

to establish a metadata mapping table. However, Srivastava discloses where a

metadata and conversion rules window is used to establish a metadata mapping table

(Figure 2; column 3, lines 27-62; column 5, lines 14-18; column 6, lines 15-18; column

7, lines 27-31). It would be obvious to one of ordinary skill in the art at the time of the

invention to modify the use of metadata mapping tables as disclosed by Davis to

provide a window for establishing the tables as disclose by Srivastava. The motivation

is that GUIs use windows for providing a user interface for such functions as defining a

metadata table and it would be obvious to use a commonly known technique for

establishing tables, namely the providing of a window, as disclosed by Srivastava.

Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis

and Srivastava as applied to claim 70 above, and further in view of "Building customer

and shareholder value" by A. Cleland and A. Bruno (further referred to as Cleland).

Regarding claim 71, Davis discloses where each of one or more tables in an

application database further comprise one axis that is defined by one or more time

periods that require data (Figure 14A-F, 15B-C, 16-17, 20A-D, 22A-B).

Neither Davis nor Srivastava disclose another axis that is defined by one or more

data categories selected from the group consisting of components of value, sub-

components of value, known value drivers, elements of value, non-relevant attributes

and combinations thereof. However, Cleland discloses another axis that is defined by

one or more data categories selected from the group such as components and

elements of value and known value drivers (Exhibits 1-5 and related text). It would be

obvious to one of ordinary skill in the art at the time of the invention to modify the use of

analysis and charting of key financial figures using metadata as disclosed by Davis and

Srivastava to adopt the charting of value as disclosed by Cleland. The motivation would

be that charts provide a visual representation of data which is often more meaningful

than the raw data itself for drawing conclusions about the data, such as if one were

reviewing data related to customer and/or stockholder value as disclosed by Cleland. It

is further noted that the claim is set forth as a Markush claim and as such each of the

items within the set are admittedly within a group known in the art. Therefore it would

be obvious to provide further processes as are known to be a part of a group in the art.

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bielinski

and Baur as applied to claim 36 above, and further in view of Davis.

Regarding claim 44, neither Bielinksi nor Baur disclose where preparing

transaction data for use in processing further comprises integrating said data in

accordance with a common schema where the common schema is defined by a

COBRA metadata or an xml metadata. However, Davis discloses where preparing

transaction data for use in processing further comprises integrating said data in

accordance with a common schema where the common schema is defined by a

COBRA metadata or an xml metadata (column 8, lines 40-46 and lines 52-57; column

10, lines 31-33 and lines 52-55; column 11, lines 24-66; column 12, lines 45-56; column

13, lines 34-37; column 15, lines 60-67; column 18, lines 48-54; column 26, lines 65-67;

column 27, lines 1-5; column 28, lines 31-34; column 30, lines 42-50; column 30, lines

51-60; column 33, lines 15-47; column 37, lines 5-8; column 38, lines 48-56) to support

organization processing (column 8, lines 29-34 and lines 40-51; column 9, lines 1-6;

column 10, lines 19-30; column 12, lines 15-17; column 13, lines 19-23; column 25,

lines 53-60; column 26, lines 47-67; column 28, lines 31-40; column 36, lines 59-67;

column 37, lines 5-12; column 38, lines 48-65). It would be obvious to one of ordinary

skill in the art at the time of the invention to modify the data analysis for value drivers as

disclosed by Bielinksi and Baur to adapt the use of integrating data using xml metadata

as disclosed by Davis. The motivation would be that to understand the overall value of

an enterprise, it would be advantageous to gather data from various groups and

departments and providing a common schema for doing so creates a more efficient

means of sharing data, as disclosed by Davis.

Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bielinski,

Baur and Lyons as applied to claim 46 above, and further in view of Davis.

Regarding claim 51, neither Bielinski, Baur, nor Lyons disclose where a common

model or schema is defined by an xml metadata. However, Davis discloses where a

common model or schema is defined by an xml metadata (column 8, lines 40-46 and

lines 52-57; column 10, lines 31-33 and lines 52-55; column 11, lines 24-66; column 12,

lines 45-56; column 13, lines 34-37; column 15, lines 60-67; column 18, lines 48-54;

column 26, lines 65-67; column 27, lines 1-5; column 28, lines 31-34; column 30, lines

42-50; column 30, lines 51-60; column 33, lines 15-47; column 37, lines 5-8; column 38,

lines 48-56) to support organization processing (column 8, lines 29-34 and lines 40-51;

column 9, lines 1-6; column 10, lines 19-30; column 12, lines 15-17; column 13, lines

19-23; column 25, lines 53-60; column 26, lines 47-67; column 28, lines 31-40; column

36, lines 59-67; column 37, lines 5-12; column 38, lines 48-65). It would be obvious to

one of ordinary skill in the art at the time of the invention to modify the data analysis for

value drivers as disclosed by Bielinksi, Baur and Lyons to adapt the use of integrating

data using xml metadata as disclosed by Davis. The motivation would be that to

understand the overall value of an enterprise, it would be advantageous to gather data

from various groups and departments and providing a common schema for doing so

creates a more efficient means of sharing data, as disclosed by Davis.

        Claims 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Bielinski and Lyons as applied to claim 55 above, and further in view of Davis.

        Regarding claim 56, neither Bielinski nor Lyons disclose where a common model

or schema is defined by an xml metadata. However, Davis discloses where a common

model or schema is defined by an xml metadata (column 8, lines 40-46 and lines 52-57;

column 10, lines 31-33 and lines 52-55; column 11, lines 24-66; column 12, lines 45-56;

column 13, lines 34-37; column 15, lines 60-67; column 18, lines 48-54; column 26,

lines 65-67; column 27, lines 1-5; column 28, lines 31-34; column 30, lines 42-50;

column 30, lines 51-60; column 33, lines 15-47; column 37, lines 5-8; column 38, lines

48-56) to support organization processing (column 8, lines 29-34 and lines 40-51;

column 9, lines 1-6; column 10, lines 19-30; column 12, lines 15-17; column 13, lines

19-23; column 25, lines 53-60; column 26, lines 47-67; column 28, lines 31-40; column

36, lines 59-67; column 37, lines 5-12; column 38, lines 48-65). It would be obvious to

one of ordinary skill in the art at the time of the invention to modify the data analysis for

value drivers as disclosed by Bielinksi and Lyons to adapt the use of integrating data

using xml metadata as disclosed by Davis. The motivation would be that to understand

the overall value of an enterprise, it would be advantageous to gather data from various

groups and departments and providing a common schema for doing so creates a more

efficient means of sharing data, as disclosed by Davis.

     Regarding claim 57, neither Bielinski nor Lyons disclose the use of a flexible

system architecture where said architecture further comprises event data that has been

integrated in accordance with a common xml schema and independent components of

application software that can be combined to process said data as required to produce

useful results. However, Davis discloses the use of a flexible system architecture where

said architecture further comprises event data that has been integrated in accordance

with a common xml schema and independent components of application software that

can be combined to process said data as required to produce useful results (column 8,

lines 40-46 and lines 52-57; column 10, lines 31-33 and lines 52-55; column 11, lines

24-66; column 12, lines 45-56; column 13, lines 34-37; column 15, lines 60-67; column

18, lines 48-54; column 26, lines 65-67; column 27, lines 1-5; column 28, lines 31-34;

column 30, lines 42-50; column 30, lines 51-60; column 33, lines 15-47; column 37,

lines 5-8; column 38, lines 48-56) to support organization processing (column 8, lines

29-34 and lines 40-51; column 9, lines 1-6; column 10, lines 19-30; column 12, lines 15-

17; column 13, lines 19-23; column 25, lines 53-60; column 26, lines 47-67; column 28,

lines 31-40; column 36, lines 59-67; column 37, lines 5-12; column 38, lines 48-65). It

would be obvious to one of ordinary skill in the art at the time of the invention to modify

the data analysis for value drivers as disclosed by Bielinksi and Lyons to adapt the use

of integrating data using xml metadata as disclosed by Davis. The motivation would be

that to understand the overall value of an enterprise, it would be advantageous to gather

data from various groups and departments and providing a common schema for doing

so creates a more efficient means of sharing data, as disclosed by Davis.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bielinski

and Baur as applied to claim39 above, and further in view of US Patent 6,192,354 B1 to

Bigus et al. (further referred to as Bigus).

Regarding claim 40, neither Bielisnki nor Baur disclose wherein a predictive

model algorithm is selected from the group consisting of classification and regression

tree; generalized autoregressive conditional heteroskedasticity, regression; generalized

additive; redundant regression network; rough-set analysis; Bayesian; multivariate

adaptive regression spline and support vector method. However, Bigus discloses

wherein a selected predictive model algorithm is Bayesian (column 12, lines 40-65;

column 12, lines 28-33). It would be obvious to one of ordinary skill in the art at the time

of the invention to modify the use of optimization using predictive models as disclosed

by Bielinksi and Baur to adapt the optimization of tasks using a Bayesian predictive

algorithm as disclosed by Bigus. The motivation would be to use a well known

algorithm which enables machine learning in order to improve the predictive results.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bielinski,

Baur and Lyons as applied to claim 46 above, and further in view of US Patent

5,245,696 to Stork et al. (further referred to as Stork).

Regarding claim 50, neither Bielinski, Baur nor Lyons disclose where the net

element contributions are identified by learning from the data where learning from the

data is supported by genetic algorithms. However, Stork discloses where learning from

data is supported by genetic algorithms. It would be obvious to one of ordinary skill in

the art at the time of the invention to modify the predictive modeling for optimization as

disclosed by the combination of Bielinksi, Baur and Lyons to adapt the use of genetic

algorithms for learning as disclosed by Stork. The motivation would be to provide a

means by which the modeling would continue to make better optimizations based on

data and feedback.

Claims 49 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Bielinski, Baur and Lyons as applied to claim 46 above, and further in view of "Get

Real: using real options in security analysis" by Michael J. Mauboussin of Credit Suisse

First Boston (further referred to as Mauboussin).

Regarding claim 49, neither Bielinksi, Baur nor Lyons disclose where determining

a net relative contribution for each of one or more elements of value to a real option

category further comprises computing the difference between the real option value

calculated using the company cost of capital and the value calculated using a real

option discount rate determined on the basis of relative element strength and assigning

the value difference to the different elements of value based on their relative

contribution to the difference in the two discount rates. However, Mauboussin discloses

calculating the difference between real option value using current equity value and

discounted cash flow analysis (page 3, section 8; page 15, sections 1-2 and 6) in order

to capture the value of real options (page 4, section 1; page 13, section 5) where the

difference in value when including real options is allocated to an investment potential

(page 5, sections 4-6; page 15, sections 2 and 6) such that an understanding between

disparities between discounted cash flows and stock prices can be understood (page 8,

section 3; page 13). It would be obvious to one of ordinary skill in the art at the time of

the invention to modify the valuation of real options as disclosed by the combination of

Bielinski, Baur and Lyons to adapt the computational techniques as disclosed by

Mauboussin. The motivation would be to use mathematical techniques which have

been determined to best capture the value of real options as an enterprise considers

their overall value and conducts stock price analysis.

        Regarding claim 52, Bielsinki discloses identifying one or more value drivers for

each element of value from the previously identified indicators (pages 1-7), developing

one or more element impact summaries from said value drivers for market value and

each component of value (page 1, sections 1-2; page 2, sections 1 and 7; page 3,

sections 7-9; page 4, sections 1-4 and 7), identifying a best fit combination of element

impact summaries and predictive model algorithm for modeling market value and each component of value (page 2, section 1; page 3, sections 7-9; page 4, sections 4 and 7; page 5, section 1; page 6, section 5-6), determining a relative strength for each of the elements of value change vis a vis competitors (page 2, section 1; page 3, sections 7-9; page 4, sections 4 and 6-7), calculating a real option value, identifying a net element contribution to enterprise market value by category of value by combining the results from the prior processing (page 3, sections 7-9; page 4, sections 6-7; page 5, section 1; page 6, sections 3-6). Neither Bielinski, Baur, nor Lyons disclose calculating a real option discount rate and calculating the real option value using the discount rate. However, Mauboussin discloses calculating a real option discount rate and calculating the real option value using the discount rate (page 4, section 1; page 5, sections 4-6; page 8, section 3; page 15, sections 1-2 and 6). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the valuation of real options as disclosed by the combination of Bielinski, Baur and Lyons to adapt the computational techniques as disclosed by Mauboussin. The motivation would be to use mathematical techniques which have been determined to best capture the value of real options as an enterprise considers their overall value and conducts stock price analysis.

Response to Arguments

Applicant's arguments with respect to claims 36-65 and 67-74 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached at 571-272-6702. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jennifer Liversedge/
Examiner, Art Unit 3692